

1007994-Court-A-U.S.
LESLIE LOCKE CRAFT
ATTORNEY AT LAW
3202 B SUNSET AVENUE SUITE B
ROCKY MOUNT, NC 27804

IN RE
PRICE DANIEL CRADDOCK
PO BOX 6462

ROCKY MOUNT, NC 27801
SSN or Tax I.D. XXX-XX-3304

Chapter 13

Case Number: 10-07994-8-RDD

U.S. BANKRUPTCY COURT
1760-A PARKWOOD BLVD
WILSON, NC 27893

NOTICE OF AMENDED MOTION FOR CONFIRMATION OF PLAN

ROBERT R. BROWNING, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 02/28/2011, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
PRICE DANIEL CRADDOCK	LESLIE LOCKE CRAFT	ROBERT R. BROWNING
PO BOX 6462	ATTORNEY AT LAW	P.O. BOX 8248
ROCKY MOUNT, NC 27801	3202 B SUNSET AVENUE SUITE B	GREENVILLE, NC 27835
	ROCKY MOUNT, NC 27804	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 27, 2011

ROBERT R. BROWNING
Chapter 13 Trustee
P.O. BOX 8248
GREENVILLE, NC 27835

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**



IN RE:

CASE NUMBER: 10-07994-8-RDD

PRICE DANIEL CRADDOCK

CHAPTER 13

DEBTOR(S)

1ST AMENDED

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on October 28, 2010, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$736.00	for	60	Months
	for		Months
	for		Months
	for		Months

THE ANALYSIS OF THIS PLAN INDICATES THE GENERAL UNSECURED CREDITORS WILL RECEIVE A DIVIDEND. IF FUNDS ARE AVAILABLE TO THE UNSECURED CLASS THE EXACT AMOUNT TO BE PAID EACH CLAIM CANNOT BE CALCULATED AT THIS TIME;

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before January 26, 2011 ("Bar Date") shall be disallowed. Claims of governmental

units, proofs of which are not filed before March 30, 2011 ("Government Bar Date") shall be disallowed; ==

7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

- a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- b. Continuing Long Term Debts to be paid by the Trustee:

The trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
(05) GE MONEY BANK	08 YAMAHA JET SKI	\$4,000.00 SECURED \$1,370.00 UNSECURED	5.25% PRO-RATA WITHIN LIFE OF THE PLAN— NO CLAIM FILED
(11) WACHOVIA DEALER SERVICES	07 FORD F150	\$22,995.97 SECURED	5.25% PRO-RATA WITHIN LIFE OF THE PLAN
(12) WELLS FARGO FINANCIAL NC INC	HOUSEHOLD GOODS	\$1,308.00 SECURED \$154.66 UNSECURED	5.25% PRO-RATA WITHIN LIFE OF THE PLAN

- e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed above can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with that November 5, 2009 Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments.

Administrative Arrearage Claim Treatment Under Conduit Order. If the mortgage creditor on a mortgage subject to the “Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010” (hereinafter “Conduit Order”) files a Proof of Claim for post petition arrearages that includes the two month “Administrative Arrearage” as defined in the Conduit Order, the Trustee has used that two month portion of the claimed amount as the Administrative Arrearage. In that event, Trustee has established that two month Administrative Arrearage claim as a separate claim and reduced the amount stated in the mortgage creditors proof of claim accordingly.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: “Abandon,” upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property “for cause” under §362(a)(1), as allowed by Local Rule 4001-1(b):

(900) GMAC MORTGAGE CORPORATION—1ST MORTGAGE—SURRENDERED, LIMIT 0 UNLESS DEFICIENCY FILED

(920) HSBC BANK—2ND MORTGAGE—SURRENDERED, LIMIT 0 UNLESS DEFICIENCY FILED

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 8 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;

11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below: _____

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
(09&10) TRADEMARK PROPERTIES	RESIDENTIAL LEASE	ASSUME-DIRECT

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,000.00 . The Trustee recommends to the Court a fee of \$3,000.00 . If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. The Debtor's obligation to maintain Diane W. Craddock as beneficiary of a life insurance policy for the lesser of the entire death benefit or an amount sufficient to cover the outstanding alimony obligation owed by the Debtor at any time is a domestic support obligation and shall be treated as non-dischargeable in this Plan.

s/ Robert R. Browning
Robert R. Browning
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 10-07994-8-RDD****DEBTORS: PRICE DANIEL CRADDOCK****EMPLOYMENT:**

Debtor: MBM & PART TIME

GROSS INCOME: \$95,439.96

Spouse:

Prior Bankruptcy cases: Yes ☐ No ☒ If so, Chapter filed

Disposition:

Real Property: House and Lot ☒ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE - SURRENDER

FMV \$161,000.00

Date Purchased

Liens \$193,500.00

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

COMMENTS:**Attorney** Requested: \$3,000.00 (excluding filing fee)**Fees:** Paid: \$1,400.00 (excluding filing fee)

Balance: \$1,600.00

Trustee's Recommendation: \$3,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$86,727.80	Pay in	\$44,160.00	Priority	100.00%
Priority	\$1,600.00	Less 8.00%	\$3,532.80	Secured	100.00%
Secured	\$33,889.80	Subtotal	\$40,627.20	Unsecured	10.03%
Unsecured	\$51,238.00	Req. Atty. Fee	Incl. w/ claims	Joint	0.00%
Joint Debts	\$0.00	Available	\$40,627.20	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☐ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:** Yes ☐ No ☐

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No ☐

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

CERTIFICATE OF MAILING

0016

Case 10-07994-8-RDD Doc 29 Filed 01/28/11 Entered 01/28/11 16:50:55 Page 7 of 8

CASE: 1007994 TRUSTEE: 23 COURT: 278 Page 1 of 2
 TASK: 01-26-2011.00547700.LSA001 DATED: 01/27/2011

Court Served Electronically

Trustee	ROBERT R. BROWNING	P.O. BOX 8248 GREENVILLE, NC 27835
Debtor	PRICE DANIEL CRADDOCK	PO BOX 6462 ROCKY MOUNT, NC 27801
799	000002 LESLIE LOCKE CRAFT 3202 B SUNSET AVENUE SUITE B	ATTORNEY AT LAW ROCKY MOUNT, NC 27804
008	000014 RBC BANK *CM	PO BOX 869 BUFFALO, NY 14240-0869
015	000019 GMAC MORTGAGE PO BOX 8300	1100 VIRGINIA DR. FORT WASHINGTON, PA 19034
001	000009 FIA CARD SERVICES 1000 SAMOSET DR DE5-023-03-03	BANK OF AMERICA NA NEWARK, DE 19713
920	000005 HSBC MORTGAGE SERVICES	PO BOX 10490 VIRGINIA BEACH, VA 23450
018	000023 PRA RECEIVABLES MANAGEMENT LLC PO BOX 12914	AS AGENT OF PORTFOLIO RECOVERY NORFOLK, VA 23541
019	000024 PRA RECEIVABLES MANAGEMENT LLC PO BOX 41067	AGENT OF PORTFOLIO RECOVERY ASSOCS NORFOLK, VA 23541
020	000025 PRA RECEIVABLES MANAGEMENT LLC PO BOX 12914	AS AGENT OF PORTFOLIO RECOVERY NORFOLK, VA 23541
009	000015 TRADEMARK PROPERTIES	1001 WADE AVE, STE 15 RALEIGH, NC 27605
010	000016 TRADEMARK PROPERTIES	1001 WADE AVE, STE 15 RALEIGH, NC 27605
013	000017 NC CHILD SUPPORT PO BOX 900006	CENTRALIZED COLLECTIONS RALEIGH, NC 27675-0557
003	000008 DIANE CRADDOCK	1816 SPARROW HAWK ROCKY MOUNT, NC 27804
016	000021 MICHAEL B SOSNA 3210 ZEBULON ROAD	SOSNA LAW OFFICES ROCKY MOUNT, NC 27804
004	000011 ENERBANK USA *CM PO BOX 2270	C/O WILLIAM L ELLISON JR DAVIDSON, NC 28036
014	000018 MATTHEW T MCKEE 2550 WEST TYVOLA ROAD SUITE 520	ROGERS TOWNSEND & THOMAS PC CHARLOTTE, NC 28217
005	000003 GE MONEY BANK *CM	PO BOX 103104 ROSWELL, GA 30076
021	000026 GE MONEY BANK *CM 25 SE 2ND AVENUE SUITE 1120	C/O RECOVERY MANAGEMENT SYSTEMS MIAMI, FL 33131-1605
012	000007 WELLS FARGO FINANCIAL NC INC	4137 121ST STREET URBANDALE, IA 50323
012	000020 WELLS FARGO FINANCIAL NC INC	4137 121ST STREET URBANDALE, IA 50323
006	000012 HOME DEPOT CREDIT SERVICES	PO BOX 689100 DES MOINES, IA 50368
900	000004 GMAC MORTGAGE CORPORATION	3451 HAMMOND AVENUE WATERLOO, IA 50702
007	000013 HSBC BANK *CM	PO BOX 5253 CAROL STREAM, IL 60196-2530

CERTIFICATE OF MAILING

0016

Case 10-07994-8-RDD Doc 29 Filed 01/28/11 Entered 01/28/11 16:50:55 Page 8 of 8

CASE: 1007994 TRUSTEE: 23 COURT: 278
TASK: 01-26-2011.00547700.LSA001 DATED: 01/27/2011

Page 2 of 2

002	000010	AMERICAN INFOSOURCE LP PO BOX 248897	MIDLAND FUNDING LLC OKLAHOMA CITY, OK 73124-8897
017	000022	WELLS FARGO DEALER SERVICES	PO BOX 19657 IRVINE, CA 92623-9657
011	000006	WELLS FARGO DEALER SERVICES	PO BOX 25341 SANTA ANA, CA 92799-5341

28 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 01/27/2011.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 01/27/2011 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail